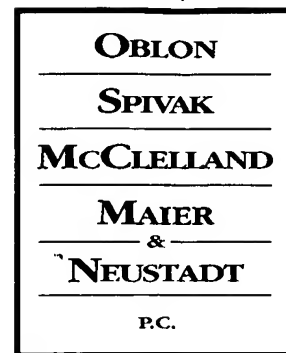




Docket No.: 265003US2X PCT



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/522,626  
Applicants: Hervé ROSTAING, et al.  
Filing Date: January 31, 2005  
For: MAGNETIC LEVITATION ACTUATOR  
Group Art Unit: 2832  
Examiner: DONOVAN, LINCOLN D.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our check in the amount of **-0-** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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DOCKET NO: 265003US2X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
HERVÉ ROSTAING, ET AL. : EXAMINER: DONOVAN, LINCOLN D.  
SERIAL NO: 10/522,626 :  
FILED: JANUARY 31, 2005 : GROUP ART UNIT: 2832  
FOR: MAGNETIC LEVITATION :  
ACTUATOR :

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Election Requirement dated August 17, 2005,  
Applicants provisionally elect with traverse Group I, Embodiment 3, and identify Claims 1-4,  
6, 9-11, 14, 17-19, 22, and 23 as readable on the elected species.

At the outset, it appears that the outstanding Office Action has not applied the unity of  
invention standard of restriction practice as set forth in 37 C.F.R. § 1.499. The present  
application is a PCT application. Accordingly, the unity of invention standard applies.

Therefore, as set forth in MPEP § 1893.03(d):

the examiner must (1) list the different groups of claims and (2)  
explain why each group lacks unity with each other group (i.e., why there  
is no single general inventive concept) specifically describing the unique  
special technical feature in each group.

In this case, the outstanding Office Action does not satisfy either requirement set forth in  
MPEP § 1893.03(d).


Moreover,

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature.

Applicants respectfully submit that, under the unity of invention standard, the outstanding Restriction/Election requirement is improper. Accordingly, it is respectfully requested that the requirement to elect a single species be withdrawn pursuant to 37 C.F.R. §1.143, and that a full examination on the merits of Claims 1-31 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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